

**Remarks/Arguments**

Claims 42-63 are now pending in this application. In the October 1, 2004 office action, claims 42-63 were rejected under 35 U.S.C. §102 (e) as being anticipated by U.S. Patent No. 6,707,421 to Drury et al. (hereinafter "*Drury*"). By this amendment, claims 42 and 58 are amended. For the reasons set forth below, the applicants respectfully request reconsideration and immediate allowance of this application.

**Specification**

The disclosure was objected to as requiring correction to reference the U.S. Patent Number of the parent application now that it has issued. The applicants have amended page 1 of the specification as suggested by the Examiner. Accordingly, the applicants respectfully request that this objection be withdrawn.

**Independent Claim 42**

Claim 42 was rejected under 35 U.S.C. §102 (e) as being anticipated by *Drury*. The applicants have amended claim 42 for clarity and to correct a typographical error. The applicants respectfully submit that *Drury* fails to teach, suggest, or describe each recitation of independent claim 42. In particular, *Drury* describes detecting traffic information through the use of sensors within vehicles as opposed to "a plurality of motion sensors along one or more roadways" as recited by claim 42. *Drury* describes an alternative "external information system," but nowhere within the teachings of *Drury* is an "external information system" described as "a plurality of motion sensors along one or more roadways." For at least this reason, independent claim 42 is allowable over *Drury*.

**Independent Claim 46**

Claim 46 was rejected under 35 U.S.C. §102 (e) as being anticipated by *Drury*. The applicants respectfully submit that *Drury* fails to teach, suggest, or describe each recitation of independent claim 46. In particular, *Drury* fails to describe "receiving traffic information transmitted by a plurality of motion sensors located along one or more roadways corresponding to

the specified traffic request” as recited by claim 46. As discussed above with respect to independent claim 42, *Drury* describes sensors within an automobile in addition to an external information system, but does not describe a plurality of motion sensors located along one or more roadways. For at least this reason, independent claim 46 is allowable over *Drury*.

#### Independent Claim 58

Claim 58 was rejected under 35 U.S.C. §102 (e) as being anticipated by *Drury*. The applicants have amended claim 58 and respectfully submit that *Drury* fails to teach, suggest, or describe each recitation of the amended claim. As discussed above with respect to independent claims 42 and 46, *Drury* does not describe “motion sensors located along one or more roadways.” Further, *Drury* does not describe “wherein the traffic information is transmitted when the plurality of motion sensors detect a change in a current average traffic speed beyond a threshold amount” as recited by claim 58.

*Drury* teaches detecting and transmitting travel exceptions. Column 32, lines 48-50 state that a travel exception occurs “if a travel speed along a link is substantially slower or faster than expected.” So, actual speed is compared to historical averages or the posted speed limit to determine if a travel exception has occurred. For example, if the expected average speed on a road is 55 miles per hour and the actual speed of a vehicle is determined to be 25 miles per hour, a travel exception has occurred and may be communicated. In contrast, claim 58 recites transmitting traffic information when a change in current average speed changes beyond a threshold value. Traffic information is transmitted when the average speed, measured in real-time by motion sensors along the road, increases or decreases beyond a pre-determined amount.

To illustrate the difference between this recitation and the teaching of *Drury*, assume that an accident slows traffic to an average of 25 mph on a road where the historic average for that particular time of day is 55 mph. If the accident is cleared causing the average speed to increase to 55 mph, the embodiment recited by claim 58 would transmit the increase as a result of the change, assuming that the 30 mph difference is beyond the set threshold. This would be desirable information to have as a motorist attempting to plan a route of travel at that particular time. However, the invention taught by *Drury* would not transmit the speed information since

the new speed of 55 mph would not be "substantially slower or faster than expected." Consequently, for at least these reasons, the applicants submit that independent claim 58 is allowable over *Drury*.

Dependent Claims 43-45, 47-57, and 59-63

Because *Drury* fails to teach, suggest, or describe the recitations of claims 43-45, 47-57, and 59-63 and because claims 43-45, 47-57, and 59-63 depend from allowable independent claims 42, 46, and 58, dependent claims 43-45, 47-57, and 59-63 are allowable over the *Drury*.


CONCLUSION

In view of the foregoing amendment and remarks, the applicants respectfully submit that the present application is in condition for allowance. Reconsideration and reexamination of the application and allowance of the claims at an early date is solicited. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact the applicants' undersigned attorney at the number below.

Respectfully submitted,

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